

# NOMINATIONS OF JUDITH BARTNOFF, ZOE ALICE BUSH, AND RHONDA REID WINSTON

Y 4. G 74/9: S. HRG. 103-824

Nominations of Judith Bartnoff, Zoe...

## HEARING BEFORE THE COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE ONE HUNDRED THIRD CONGRESS SECOND SESSION

ON  
NOMINATIONS OF JUDITH BARTNOFF, ZOE ALICE BUSH, AND  
RHONDA REID WINSTON, TO BE ASSOCIATE JUDGES, SUPERIOR  
COURT OF THE DISTRICT OF COLUMBIA

JUNE 29, 1994

Printed for the use of the Committee on Governmental Affairs



July 4 P

U.S. GOVERNMENT PRINTING OFFICE

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## NOMINATION HEARING

WEDNESDAY, JUNE 29, 1994

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:37 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Jim Sasser, presiding.

Present: Senators Sasser and Lieberman.

Staff Present: Doris Clanton and Deborah Cohen (Senator Glenn); Susanne Marshall (Senator Roth); John Wagster and John Belferman (Senator Sasser); and Nina Bang-Jensen (Senator Lieberman).

### OPENING STATEMENT OF SENATOR SASSER

Senator SASSER. The Committee will come to order.

Today the Committee on Governmental Affairs is pleased to welcome three nominees for 15-year terms on the Superior Court for the District of Columbia. Ms. Judy Bartnoff and Ms. Zoe Alice Bush were nominated by the President on January 28, 1994, and Ms. Rhonda Reid Winston was nominated on April 11, 1994.

We are pleased to have with us this afternoon the distinguished Senator from Connecticut, Senator Lieberman. We are always delighted to see him, and particularly pleased to see him here at this hearing this afternoon.

Senator Lieberman, we would like to hear from you now if you have something you wish to say.

### OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you very much, Mr. Chairman. You have before you three outstanding nominees for the court, two of whom I have just had the honor of meeting, one of whom I have known for some period of time and about whom I would like to say a few brief words, and that is Judith Bartnoff, who is a friend and a distinguished lawyer in this community.

Mr. Chairman, just to make sure that I begin this on the right note, I do want you to know that before I met Judy Bartnoff, she was a friend of my wife's. And so I bring both the endorsement of myself and my wife, and I am sure that will stand us in good stead.

Senator SASSER. Well, Senator Lieberman, your endorsement is very important, but it may take second place behind your wife in this particular matter.

Senator LIEBERMAN. Thank you. I had the feeling I was starting on a strong foot here.

Judy Bartnoff is a brilliant, hard-working, and talented lawyer. Her legal experiences are unusually broad and well suited to the variety of challenges that a trial judge is likely to encounter.

For 5 years, Mr. Chairman, she served as an assistant U.S. attorney handling civil matters in the U.S. District Court and the Court of Appeals, where she received high marks for her skill and diligence. For 2 years before that, as Associate Deputy Attorney General in the Department of Justice, she was the primary staff person responsible for the development of Federal standards for prisons and jails, executive clemency, and oversight of the Marshals Service and the Bureau of Prisons, as well as numerous other matters concerning the Departments of State, Defense, and Interior.

Prior to that, she was special assistant to the Assistant Attorney General in the Criminal Division where she worked on criminal justice policy.

More recently, Mr. Chairman, Judy has been in private practice—that is, for the last 9 years—enjoying a diverse litigation practice involving general civil, administrative, and regulatory matters. Since January of last year, she has also worked with the Office of Independent Counsel investigating the allegations that the security of State Department passport files was breached during the 1992 election.

But beyond the variety of challenging legal experiences in which Judy Bartnoff has excelled, I can testify to her sense of balance, her intelligence, and her integrity beyond question. Those are the qualities that will serve her and all who reside in the District of Columbia well, and I am privileged to endorse her heartily and hope that you will support her nomination. And in doing so, I express my appreciation to President Clinton for his good judgment in putting her nomination and the nomination of the other two candidates before you.

Thank you very much.

Senator SASSER. Thank you very much, Senator Lieberman, and we very much appreciate your appearing here this evening—this afternoon.

Senator LIEBERMAN. It has been a long day.

Senator SASSER. It has been a long day.

Senator LIEBERMAN. I have the same feeling that you do, Mr. Chairman.

Senator SASSER. Preceded by a long week, I might say.

Senator LIEBERMAN. That is right.

Senator SASSER. Thank you very much.

Senator LIEBERMAN. Thank you.

Senator SASSER. I know you have other things to do, so we will excuse you now. Thank you.

If the three nominees would come forward at this time?

We have been joined here by Congressman Spratt of South Carolina. Congressman, if you would just take a seat there at the end of the table, and perhaps all three of our nominees could come forward and take the other three seats, and we will hear from Mr. Spratt.

Congressman Spratt, we welcome you here this afternoon, and we look forward to hearing your comments. I understand that you

may be here on a mission of introducing one of the nominees to the Committee.

Mr. SPRATT. That is correct.

Senator SASSER. We would be pleased to hear from you at this time.

#### **TESTIMONY OF HON. JOHN M. SPRATT, JR.,<sup>1</sup> REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA**

Mr. SPRATT. Senator Sasser, thank you very much for allowing me this privilege. We just left the House floor where we had back-to-back votes. I am sorry to be pressed for time.

Mr. Chairman and Members of the Committee, I am pleased to introduce to the Committee among the panel sitting before you Rhonda Reid Winston, who has been nominated by President Clinton to be an Associate Judge of the District of Columbia Superior Court. I am privileged because she was once—and in a sense still is—a constituent of mine. She comes from Cheraw, South Carolina, my congressional district, and I am honored to present her to your Committee for confirmation because her qualifications for this judgeship, in my opinion, are truly sterling. And I do not exaggerate.

Rhonda Reid Winston grew up and attended school in Cheraw, South Carolina, where her family is well known and widely respected. After she graduated from high school at the top of her class, Rhonda Reid Winston won a coveted Angier B. Duke Scholarship to Duke University, and she graduated from Duke cum laude in 1975. During her undergraduate years, she attended Oxford University for summer study, and she was a National Achievement Scholar.

Following her graduation from Duke as an undergraduate, Rhonda Reid Winston went on to Duke Law School, where she was president of the Black American Law Students Association and winner of the Constance Baker Motley Award.

After she graduated from Duke Law in 1979, she began a legal career in the public sector, giving her practice and experience that endows her with an extensive background in criminal law and civil litigation, which will serve her well as a trial judge on the bench of the District of Columbia.

The positions she has held, if I could briefly enumerate them, are: staff attorney for the Public Defender for the District of Columbia; assistant district attorney for New York County in New York City; visiting assistant professor at the Criminal Justice Clinic at Georgetown; trial attorney with the Baltimore District Office of the U.S. Equal Opportunity Commission; deputy director of the District of Columbia Pretrial Services Agency; and she now currently serves as the deputy director of the Public Defender Service for the District of Columbia.

Mr. Chairman, the Superior Court of the District of Columbia will be fortunate, indeed, to gain a judge with the intelligence, the character, the experience of Rhonda Reid Winston. I heartily support her for this position, and I predict that it will be the first of

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<sup>1</sup> The prepared statement of Congressman Spratt appears on page 11.

several steps up the judicial ladder for this highly talented young lawyer.

Thank you very much, Mr. Chairman, for this opportunity to present this very capable person for the bench of the District of Columbia.

Senator SASSER. Well, thank you, Congressman, for appearing here this afternoon and giving us the benefit of your views. I must say the resume of this nominee is most impressive. I know you have got a busy schedule, so we will excuse you now.

Mr. SPRATT. Thank you very much.

Senator SASSER. We thank you for your attendance.

Mr. SPRATT. I appreciate that.

Senator SASSER. I might say that the distinguished Senator from South Carolina, Senator Fritz Hollings, has submitted a statement in support of Ms. Winston, and that will be included in the record at the appropriate place.

Senator SASSER. Now, it appears to me, Ms. Bush, that you are the only one here without someone sort of taking your case. So maybe the Chairman will just take it upon himself to take up your case here. But I want to say that Ms. Bartnoff's credentials are most impressive, and a resume, a biographical sketch or biographical statement will be included in the record. It simply repeats a number of the things that were said earlier by Senator Lieberman.

The biographical statement of Ms. Winston will also be included in the record, and it repeats some of the things said by Congressman Spratt.

With regard to Ms. Zoe Bush, she is originally from Little Rock, Arkansas, and she received her bachelor's degree from Wellesley College and her law degree from Harvard Law School. As the Chief Administrative Judge of the D.C. Contract Appeals Court for the past 3 years, she has presided over numerous Government contract cases involving local procurement process.

Upon graduating from Harvard, Ms. Bush served as a judicial clerk for both the Federal Court of Claims and the Court of Appeals for the Federal Circuit. Prior to assuming her present position, the nominee practiced for over a decade as counsel to the Washington Gas Light Company and the Potomac Electric Power Company, and we are pleased to have Ms. Bush here this afternoon.

Now, it is customary at nominations hearings before the Committee on Governmental Affairs to summarize for the record the confirmation procedure which is prescribed by Committee rule 8, which was adopted in 1978. This procedure is meant to assure a thorough investigation of the nominee's background, qualifications, integrity, and suitability to serve in the capacity for which he or she has been nominated.

First, just to review, the nominees have given detailed information to the Committee about their education, their appointments, and their professional achievements. You have heard those summarized here today. Each of the nominees furnished completed financial statements, and this information was reviewed by the Committee staff and has been available for public inspection at the Committee offices.

Next, the FBI conducted a thorough background investigation of each nominee, and the reports of these investigations are reviewed by the Chairman and ranking minority member of the full Committee.

The nominees were also interviewed by members of the Committee staff whose summaries to the Committee are kept confidential.

At this point, I want to extend to each of the nominees our appreciation for your cooperation through all phases of the nomination process.

Now, would each of you please raise your right hand? Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. BARTNOFF. I do.

Ms. BUSH. I do.

Ms. WINSTON. I do.

Senator SASSER. Now, before we go any further, I would like to ask each of the nominees if they have any family or guests that they would like to introduce here today, and we will start with you, Ms. Bartnoff, and then Ms. Bush and then Ms. Winston.

Ms. BARTNOFF. Thank you, Mr. Chairman. It is a great privilege to be here, and it is particularly a privilege because here with me today are my father, Shepard Bartnoff; my husband, Gene Sofer; my son, Nelson Sofer; and my mother-in-law, Gertrude Sofer; as well as a number of colleagues and friends.

Senator SASSER. Well, we want to welcome them here today to these proceedings, and we are delighted to have them here.

Ms. Bush.

Ms. BUSH. Thank you very much. My sister is here, Lynne Bush, and two of my mentors, the Honorable James F. Merow from the U.S. Court of Federal Claims, and Mabel D. Haden, the president of the National Association of Black Women Attorneys, and also friends from Arkansas and from Washington, DC.

Senator SASSER. Well, we want to welcome all of them here today. I know they are proud of this nominee. That is one of the reasons some of them are here today.

Ms. Winston.

Ms. WINSTON. Thank you, Senator Sasser. With me today are my daughter, Meghan Winston; several very close friends: Norman Robinson, James Berry, Michele Roberts, and two friends and colleagues from the District of Columbia Public Defender Service, Ms. Deborah Creek and Ms. Velma King.

Senator SASSER. Thank you very much, and we want to welcome them here today to these proceedings also.

Now, there are standard questions which, under the Committee rules, we must ask each nominee for the record. Starting with you, Ms. Bartnoff, do you know of any reason, personal or otherwise, which would prevent you from fully and honorably discharging your responsibilities as a judge on the court to which you have been nominated?

Ms. BARTNOFF. No, I do not.

Senator SASSER. Now, Ms. Bush, I put the same question to you, whether you know of any reason you could not fully and honorably discharge your duties as a member of the court.

Ms. BUSH. No, I do not.

Senator SASSER. Ms. Winston, let me ask the same question of you so that the record will show that you—what would be your answer for that question?

Ms. WINSTON. No, sir, I do not.

Senator SASSER. Now, Ms. Bartnoff, if you are confirmed, will you be prepared to serve a full 15-year term of office as best you can presently foresee?

Ms. BARTNOFF. Yes, I will.

Senator SASSER. Many people envy your 15-year term, Ms. Bartnoff. [Laughter.]

What would you answer to that question, Ms. Bush?

Ms. BUSH. Yes, I do intend to.

Senator SASSER. And your answer, Ms. Winston?

Ms. WINSTON. Yes, I will.

Senator SASSER. Thank you.

Now, are you aware of anything else, Ms. Bartnoff, in your personal or professional background which would present any conflict of interest with the position and responsibilities for which you have been nominated?

Ms. BARTNOFF. No.

Senator SASSER. I will ask the same question of you, Ms. Bush. Are you aware of any conflict of interest which would affect your undertaking the duties of the position to which you have been nominated?

Ms. BUSH. No.

Senator SASSER. Same question to you, Ms. Winston. Are you aware of any conflict of interest which would affect your undertaking the duties to the position for which you have been nominated?

Ms. WINSTON. No.

Senator SASSER. Now, let me further ask a question for each of you to answer in turn. Beginning with you, Ms. Bartnoff, if a conflict of interest should present itself, though it not be foreseeable at this time, how would you think it best to resolve such a conflict?

Ms. BARTNOFF. Mr. Chairman, let me answer that in two parts, because I think there is an issue relating to my current law firm, and then there is a more general question.

First is the question of my current law firm, Patton, Boggs & Blow, where I have been a partner for the last over 6 years. If I am confirmed, when I am sworn in I will terminate my relationship with the law firm in all respects. Mr. Chairman, I am concerned not only about conflicts but about the appearance of conflicts. And for that reason, it is my intention to recuse myself from any case in which Patton, Boggs & Blow is involved.

In addition to that, if a situation should arise where there is a potential conflict or the appearance of a potential conflict, it would be my intention to disclose that to the parties and to recuse myself if it was appropriate to do so.

Senator SASSER. Thank you.

Ms. Bush, how would you deal with a conflict?

Ms. BUSH. I do not anticipate that there would be a conflict, but the protest decisions of the Board of Contract Appeals are appealed to the Superior Court. And the protests in which I have taken part as a member of the panel, I would recuse myself from, but the time

will have run by the time I would get an assignment to the Civil Division, I anticipate, and so there should not be a problem.

Senator SASSER. All right.

Ms. Winston, how would you handle such a conflict?

Ms. WINSTON. Senator, I am currently the deputy director of the Public Defender Service for the District of Columbia. If I were sitting and a case involving a client whom I had actually represented or whose case I had personally supervised, I would immediately recuse myself. If there were other cases involving Public Defender Service clients that came before me, if I believed that there were the appearance of a conflict of interest, I would raise that matter with the parties and recuse myself if they thought it appropriate.

Senator SASSER. Thank you.

Finally, beginning again with you, Ms. Bartnoff, do each of you agree without reservation to respond to any reasonable summons to appear and testify before a duly constituted committee of Congress if you are confirmed? Do you agree to that, Ms. Bartnoff?

Ms. BARTNOFF. Yes, I do.

Senator SASSER. Ms. Bush.

Ms. BUSH. Yes.

Senator SASSER. Ms. Winston.

Ms. WINSTON. Yes.

Senator SASSER. Now, at this point, the Committee would be pleased to receive any further statement our nominees might wish to make about their respective backgrounds, their views, their general qualifications. Do not feel compelled to make such a statement, but we would be pleased to hear it if you wish to make one.

Ms. Bartnoff.

#### **TESTIMONY OF JUDITH BARTNOFF, OF WASHINGTON, DC, TO BE ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Ms. BARTNOFF. Mr. Chairman, I have just a very brief statement.

Mr. Chairman, it is an honor to have been nominated by the President to be an associate judge of the Superior Court. I am very grateful for this opportunity to serve the court and the larger District of Columbia community where I have lived and practiced law for the past 20 years since my graduation from law school.

I view this appointment as a privilege and a great responsibility, and I want to assure the Committee that I will do my best to be an exemplary judge.

I also would like to thank Senator Lieberman for his kind remarks and to thank the Committee staff for their assistance and patience in guiding me through the confirmation process.

Senator SASSER. Thank you very much.

Senator SASSER. Ms. Bush.

#### **TESTIMONY OF ZOE ALICE BUSH, OF WASHINGTON, DC, TO BE ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Ms. BUSH. Senator Sasser, I want to thank President Clinton for nominating me to be an associate judge on the Superior Court of the District of Columbia. If confirmed, I will dedicate myself to serving the court and the District. Having lived here for nearly 15

years, I feel that it is my home, and I am strongly committed to this city.

As a public servant and a judicial appointee of Mayor Kelly, I am aware of the many serious challenges, as well as the unmet opportunities, facing the District. I believe that the Superior Court is one of the finest courts in this country, and I will be honored to serve as a judge on this court and help provide legal redress and justice to the citizens of the District.

Senator SASSER. Thank you.

Senator SASSER. Ms. Winston.

**TESTIMONY OF RHONDA REID WINSTON, OF WASHINGTON, DC, TO BE ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Ms. WINSTON. Yes, Senator Sasser, I would like to thank you for chairing this hearing today, the members of the Committee, and the staff members who have assisted us during the process.

I am honored that President Clinton has nominated me to be an associate judge on the District of Columbia Superior Court. I can think of no higher form of service nor a greater privilege than to be allowed to serve the citizens of the District as one of their trial court judges.

I believe that along with the privilege of serving come the obligations to do my best to ascertain the law, to interpret the law and apply it fairly, and to treat every individual who appears before me with decency and respect. These are obligations that I take seriously and I assure you that I will fulfill, if I am confirmed.

The Superior Court is where I grew up professionally. I began practicing there just after law school, and for 12 of my nearly 14 years as a lawyer, I have either practiced there, supervised students who were practicing there, or served as an administrator in an agency that worked closely with the court. Therefore, I have seen the work that Superior Court judges do. Their task is not easy, yet their integrity and their commitment to excellence is almost unparalleled among trial court judges in this country. They truly set the standard for excellence.

That standard is one that the citizens of the District have come to expect, that they deserve, and that, if confirmed, I fully intend to carry on.

Senator SASSER. Thank you very much, Ms. Winston, and I am pleased to hear you make the point that judges have an obligation to treat those who come into their courtroom with decency and respect, both lawyers and litigants, and plaintiffs and defendants and witnesses.

The Committee customarily holds the record open on these nomination hearings for 10 days or until the close of business on Friday, July 8th. If any member of the Committee has additional questions for the nominees, I would encourage that Senator to submit them in writing and the nominees to respond in writing so that both questions and answers can be made a part of the record.

We have a vote on the floor of the Senate, and I am going to have to depart. But I want to thank each of you—you, Ms. Bartnoff, you, Ms. Bush, and you, Ms. Winston—as well as your families and guests for appearing before the Committee this afternoon.

If I may be permitted a personal observation, I think this is an outstanding group of nominees, and I think the courts of the District here are very fortunate to have nominees of this caliber sitting on these benches.

We will move this nomination out of the Committee as soon as the time elapses for filing additional questions and move it to the floor for further confirmation.

There being no further business to come before the Committee, the Committee will stand in recess subject to the call of the Chair.

[Whereupon, at 3:02 p.m., the Committee was adjourned subject to the call of the Chair.]



## A P P E N D I X

### PREPARED STATEMENT OF CONGRESSMAN JOHN M. SPRATT, JR., REPRESENTATIVE FROM THE STATE OF SOUTH CAROLINA

Mr. Chairman, and members of the Committee, I am pleased to introduce Rhonda Reid Winston, who has been nominated by President Clinton to be Associate Judge of the District of Columbia Superior Court.

Rhonda Reid Winston is a native of Cheraw, South Carolina, in my congressional district, and I am honored to present her to your committee, because her qualifications for this judgeship are sterling.

Rhonda Reid Winston Grew up and attended school in Cheraw, where her family is well known and widely respected. After graduating from high school at the top of her class, Rhonda Reid Winston won a prized Angier B. Duke Scholarship to Duke University, and graduated *cum laude* in 1975. During her undergraduate years, she attended Oxford University for summer study and was a National Achievement Scholar.

Following her graduation from Duke, Rhonda Reid Winston went on to attend Duke Law School, where she was president of the Black American Law Students Association and winner of the Constance Baker Motley Award.

After graduating from Duke Law in 1979, she began a legal career in public sector practice that has endowed her with extensive experience in criminal law and civil litigation, which will serve her well as a trial judge in the District of Columbia. The positions she has held include:

- Staff Attorney for the Public Defender for the District of Columbia.
- Assistant District Attorney for New York County in New York City.
- Visiting Assistant Professor of Law in the Criminal Justice Clinic at Georgetown University.
- Trial attorney with the Baltimore district office of the U.S. Equal Opportunity Commission.
- Deputy Director of the District of Columbia pre-trial services agency.
- Deputy Director for the Public Defender Service for the District of Columbia, which is her present position.

Mr. Chairman, the Superior Court of the District of Columbia will be fortunate, indeed, to gain a judge with the intelligence, character, and experience of Rhonda Reid Winston, I heartily support her for this position and predict that it will be the first of several steps up the judicial ladder for this talented young lawyer.

### PREPARED STATEMENT OF SENATOR HOLLINGS, U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Mr. Chairman, I appreciate the opportunity to express my strong and enthusiastic support for the nomination of Rhonda Reid Winston to a judgeship in the Superior Court of the District of Columbia.

Ms. Winston comes from a family with deep roots in Cheraw, South Carolina—a tightly knit family that instilled in her the highest standards of excellence, achievement and public service. Ms. Winston attended Duke University on academic scholarship and graduated with honors in 1975. She went on to Duke University Law School, where she was third-year president of the Black American Law Students Association, and earned her J.D. in 1979.

Upon graduation, her commitment to public service took her to the Public Defender Service for the District of Columbia, where she served as a staff attorney from 1979 to 1986. During the 1986-87 academic year, she was a Visiting Assistant Professor of Law at the Georgetown Law Center. She went on to serve as a trial attorney with the Equal Employment Opportunity Commission in Baltimore from

1987 to 1988, and Deputy Director of the District of Columbia's Pretrial Services Agency from 1988 to 1991. Since 1991, she has served with distinction as Deputy Director of the Public Defender Service for the District of Columbia.

Mr. Chairman, Rhonda Reid Winston has been a standout performer at every stage of her varied career in the law. In addition to her impressive academic and courtroom experience, she clearly possesses the high character and steady temperament that we look for in federal judges. There is no question in my mind that Ms. Winston would be a superb addition to the Federal bench. I urge the committee to support her confirmation.

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEE

### A. BIOGRAPHICAL INFORMATION

Name: (Include any former names used.)

Judith Bartnoff.

2. Position to which nominated:

Associate Judge of the Superior Court for the District of Columbia.

3. Date of nomination: January 28, 1994.

4. Address: (List current place of residence and office addresses.)

Residence: 4615 29th Place, N.W., Washington, D.C. 20008.

Office: Patton, Boggs & Blow, 2550 M Street, N.W., Washington, D.C. 20037.

Office of the Independent Counsel, 1110 Vermont Avenue, N.W.,  
Suite 620, Washington, D.C. 20005.

5. Date and place of birth:

April 14, 1949, Boston, Massachusetts.

6. Marital status: (Include maiden name of wife or husband's name.)

Married to Eugene F. Sofer.

7. Names and ages of children:

Nelson Bartnoff Sofer, age 4½.

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Taylor Allderic High School, Pittsburgh, Pennsylvania (1963-1967), Graduated June 1967.

Radcliffe College (Fall 1967-Spring 1971), B.A. 1971 magna cum laude in History and Literature.

Columbia Law School (Fall 1971-Spring 1974), J.D. 1974.

Georgetown University Law Center (Fall 1974-Spring 1975), LL.M. 1975.

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

Research assistant to Dean Barbara M. Solomon, Senior Lecturer in History and Literature, Harvard College, Cambridge, MA 02138 (assisted with historical research on book regarding women's education and expectations) June 1971-August 1971.

Research assistant to Professor Harold Korn, Columbia Law School, 435 West 116 Street, New York, NY 10027, June 1972-September 1972 and part-time during 1972-1973 academic year.

Summer associate, Cleary, Gottlieb, Steen & Hamilton, One State Street Plaza, New York, NY, June 1973-August 1973.

Fellow, Institute for Public Interest Representation, Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001 (graduate fellow in law school clinical program in public interest administrative law; LL.M. degree received at conclusion of fellowship), September 1974-June 1975.

Staff attorney, Council for Public Interest Law, 1250 Connecticut Avenue, N.W., Suite 420, Washington, D.C. 20036, June 1975-June 1977.

Special Assistant to Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20053 (Special Assistant to Assistant Attorney General Benjamin R. Civiletti), July 1977-May 1978.

Associate Deputy Attorney General, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20053 (Associate Deputy Attorney General under Deputy Attorneys General Benjamin Civiletti and Charles Renfrew), May 1978-August 1980.

Special Assistant to the United States Attorney for the District of Columbia, United States Courthouse, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001, August 1980-January 1982.

Assistant United States Attorney, District of Columbia, United States Court-house, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001, January 1982-August 1985.

Private practice of law, Patton, Boggs & Blow, 2550 M Street, N.W., Washington, D.C. 20037, Associate, September 1985-December 1987, Partner, January 1988-present.

10. Military Service: List any military service, including dates, rank, and type of discharge.

None.

11. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Associate Independent Counsel, 1110 Vermont Avenue, N.W., Suite 620, Washington, D.C. 20005 (Clinton passport file search investigation), January 1993-present.

12. Previous Appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and Committee hearing, if any.

No.

13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

I am a partner in the law firm of Patton, Boggs & Blow. I have had significant involvement in representing a number of clients of the firm, including the following:

- Airdrome Parts Co.
- Associated Financial Corporation
- Bath Iron Works Corporation
- Marvin R. Baum
- J.D. Bertolini Industries
- Cannon/Faulkner
- Phillips Cartner & Co.
- Cherokee Nation Industries
- Dominion Terminal Associates
- Cotton & Company
- G.A. David & Affiliates, Inc.
- Encore Computer Corporation
- The Fund for Peace
- General Ship Corporation
- A.D. Jackson Consultants
- Japan Golf Promotion (USA), Inc.
- Kilgore Corporation
- Mackay Envelope Company
- Materials Engineering Associates
- The Morning Star Foundation/Morning Star Institute
- National Center for American Indian Enterprise Development
- Navajo Nation
- P.J. Enterprises
- Pittston Company
- Alan and Kathy Platt
- Scheidt & Bachmann
- Starr Electric Company
- Valentec International Corporation
- Dr. Bert Vogelstein
- Alexey Zacharin

14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

- Judicial Conference, District of Columbia Circuit (1991, 1992)
- U.S. District Court Committee on Pro Se Litigation
- National Women's Law Center Network
- Women's Legal Defense Fund
- Women's Bar Association
- District of Columbia Bar
- American Bar Association
- American Inn of Court VI
- Assistant United States Attorneys Association

Member of informal association of women former Assistant United States Attorneys

Adas Israel Synagogue

Adas Israel Synagogue, Legal Affairs Committee

Fabrangen

Fabrangen Tzedakah Collective (co-chair)

Columbia Law School Class of 1974 20th Reunion Committee

Columbia Law School Alumni Association

Friends of the Schlesinger Library, Radcliffe College

District of Columbia Committee, Friends of Harvard-Radcliffe Hillel

Radcliffe College Alumni Association

Emily's List

Forest Hills Citizens Association

American Civil Liberties Union

Friends of the National Zoo

Smithsonian Associates

Corcoran Gallery of Art

Washington Project for the Arts

Sierra Club

Environmental Defense Fund

World Wildlife Fund

National Museum of the American Indian

National Trust for Historic Preservation

15. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 5 years.

*1993*

Lieberman for Senate 1994 .....	\$100
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*1992*

Clinton for President .....	250
DNC Victory Fund Account .....	150
DNC Victory Fund Account .....	500
Solarz for Congress .....	250
Nita Lowey for Congress .....	100
A Lot of Folks for Pat Williams .....	200

*1991*

Citizens for Wofford .....	150
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*1990*

Solarz for Congress .....	100
Lowey for Congress .....	200
Jolene Unoeld 1990 Campaign .....	100
Friends of Rosa de Lauro .....	100
Hoosiers for Long .....	100
Emily's List .....	100
Terry Lynch (D.C. City Council) .....	100
Shep Bartnoff Campaign (Englewood, N.J. City Council) .....	250

*1989*

Barney Frank for Congress .....	100
Emily's List .....	100
Friends of Ron Brown .....	250

16. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Director's Award for Superior Performance as an Assistant U.S. Attorney.  
Department of Justice Special Achievement Award.

Commendation from Attorney General Civiletti for work on the Federal Standards for Prisons and Jails.

Recommendations from the Senate Legal Counsel; Assistant General Counsel for Public Health, Department of Health and Human Services; Director, Torts Branch, Department of Justice; General Counsel, Smithsonian Institution; General Counsel, Small Business Administration; Legal Counsel, Metropolitan Washington Airports; Director, Executive Office of U.S. trustees; Director, Bureau of Prisons; Chief Counsel, Federal Railway Administration.

Harlan Fiske Stone Scholar, Columbia Law School (1971-1974).

Holder of Adolf A. Berle Faculty Assistantship (1972-1973).

Board of Editors, *Columbia Law Review*.

College Scholarship from Westinghouse Electric Company.

I also recently was invited to join the Fellows of the American Bar Foundation.

17. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written. It would be helpful for the Committee to have three copies of each published writing. Please denote any of those for which you are unable to provide copies.

Note, Title VII and Employment Discrimination in "Upper Level" Jobs, 73 *Columbia Law Review* 1614 (December 1973).

*Balancing the Scales of Justice: Financing Public Interest Law in America*, Report of the Council for Public Interest Law (1976) (contributing editor) (copies not attached).

18. Speeches: Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

None.

19. Congressional Testimony: Have you ever testified before a Committee of the Congress? If so, please provide details, including date(s).

In approximately 1981, I testified on a panel with other Department of Justice representatives regarding the Witness Security Program before the Senate Select Committee on Investigations.

20. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I do not know why the President chose me from among the other individuals recommended to him by the D.C. Judicial Nomination Commission. I am aware that my appointment was recommended by a number of people with whom I have worked over the years, including both co-counsel and opposing counsel in litigation, as well as others who know me through professional and community activities. I also was recommended by a number of judges before whom I have appeared. It is my understanding that a number of people advised the President that my experience and temperament made me highly qualified to be a judge.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I believe that my varied professional experiences in public interest law, the Department of Justice, and in private practice have prepared me well to be a judge on the Superior Court. At the Department of Justice, I worked on a variety of matters relating to corrections and criminal justice policy. Since 1980, most of my work has been in litigation, both in the U.S. Attorney's Office and in private practice, and also most recently as an Associate Independent Counsel. In addition, I have been involved in a variety of community activities and *pro bono* projects, including serving as a volunteer mediator in the U.S. District Court.

#### B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

I expect to serve out my full term.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None. I will sever my relationship with Patton, Boggs & Blow if I am confirmed as a judge on the Superior Court. I also will resign my position as an Associate Independent Counsel.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None, other than ownership of stocks and bonds, as described in response to Question E.1.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

See answers to Questions C.1 above and C.5 below.

4. Describe any activity during the last 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

None. (I do not understand any litigation undertaken on behalf of clients against governmental entities, or attempts to resolve disputes with governmental entities on behalf of clients so as to avoid potential litigation or to settle ongoing litigation, to be responsive to this question.)

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

If I am appointed to the Superior Court, I will recuse myself from any cases involving my former clients or in which any party is represented by Patton, Boggs & Blow, in order to avoid any appearance of a conflict of interest, even though I will have severed my relationship with the law firm. I also will recuse myself in the event that I own stock or have any other financial interest in any of the parties to a case.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes, if such opinions are considered to be necessary.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

My husband and I filed a petition in the Chilean courts to become guardians of our son Nelson in the spring of 1991. The petition was granted in July 1991.

In September 1991, we filed an adoption petition in the D.C. Superior Court, which was granted on January 17, 1992.

I was one of the plaintiffs in *Cook, et al. v. Board of Governors of the Federal Reserve System et al.* (D.D.C., Civil Action No. 75-0286), a suit brought by the Institute for Public Interest Representation while I was a Fellow there. The suit challenged the procedures used by the Board to change the reserve requirements of Regulation D. It was settled on appeal.

4. Have you ever been convicted (including please of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

My qualifications and experience are described in these responses and in my responses to the District of Columbia Judicial Nomination Commission questionnaire. I would be pleased to respond to any additional questions the Committee might have.

#### E. FINANCIAL DATA

(Retained in Committee Files.)

#### F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. Admitted January 10, 1975.

4. If the answer to No. 3 is "No"—

(a) Are you a professor of law in a law school in the District of Columbia?

(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

(d) Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

4615 29th Place, N.W., Washington, D.C. 20008.

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

#### AFFIDAVIT

Judith Bartnoff

being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Judith Bartnoff

Subscribed and sworn before me this 11<sup>th</sup> day of March, 1994

Marcia L. Cedar  
Notary Public

MARCIA L. CEDAR  
Notary Public for The District of Columbia  
My Commission Expires July 14, 1995

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEE

## A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)  
Zoe Alice Bush.
2. Position to which nominated:  
Associate Judge of the Superior Court of the District of Columbia.
3. Date of nomination: January 28, 1994.
4. Address: (List current place of residence and office addresses.)  
Home: 5812 Third Street, N.W., Washington, DC 20011.  
Office: District of Columbia Contract Appeals Board, 717 Fourteenth Street, N.W., Suite #430, Washington, DC 20005.
5. Date and place of birth:  
July 5, 1954—Little Rock, Arkansas.
6. Marital status: (Include maiden name of wife or husband's name.)  
Single.
7. Names and ages of children:  
Lena Ursaline Bush—two years old.
8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.  
Wellesley College, 1972–1976, B.A. 1976.  
Harvard Law School, 1976–1979, J.D. 1979.
9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)  
Chief Administrative Judge, District of Columbia Contract Appeals Board, Washington, DC, May 1991–Present.  
Associate General Counsel, Potomac Electric Power Company, Washington, DC, April 1984–April 1991.  
Attorney, Washington Gas Light Company, Washington, DC, July 1981–April 1984.  
Judicial Clerk—Honorable Philip N. Nichols, Jr., United States Court of Appeals for the Federal Circuit, July 1980–July 1981.  
Judicial Clerk—Honorable James F. Merow, United States Court of Federal Claims, Washington, DC, July 1979–July 1980.  
Summer Associate, Hill & Barlow, Boston, MA, June 1978–September 1978.  
Summer Clerk, Honorable Dale Bumpers, United States Senate, Washington, DC, June 1977–September 1977, June 1976–September 1976.
10. Military Service: List any military service, including dates, rank, and type of discharge.  
None.
11. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.  
Summer Clerk, Governor Dale Bumpers, Little Rock, AR, Summer 1972.
12. Previous Appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and Committee hearing, if any.  
No.
13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.  
Attorney—Potomac Electric Power Company.  
Attorney—Washington Gas Light Company Attorney.  
Hill & Barlow.
14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.  
National Association of Black Women Attorneys, Secretary.  
Women's Bar Association of the District of Columbia, Co-Chair for Executive Endorsements.  
Washington Bar Association.  
National Bar Association.  
Alpha Kappa Alpha Sorority.  
American Bar Association.  
Federal Energy Bar Association.

Washington Area Corporate Counsel Association.

Shiloh Baptist Church Tennis Club.

District of Columbia Bar.

National Association of Women Judges.

Board of Contract Appeals Judges Association.

Greater Washington Area Chapter of the National Bar Association Women Lawyer's Division, Co-chair for Executive Endorsements.

Multi-Door Dispute Resolution Division of the District of Columbia, pro bono mediator.

Wellesley College Alumnae Association Mid-Atlantic Regional Representative for Career Services.

Project NorthStar Homeless Children's Tutorial.

**15. Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Member of steering committee and co-chair for issues for District of Columbia Mayoral Candidate Sharon Pratt Dixon (Kelly).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 5 years.

\$600.00—Mayoral Campaign Sharon Pratt Dixon (Kelly).

**16. Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Wadell Fellowship.

**17. Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written. It would be helpful for the Committee to have three copies of each published writing. Please denote any of those for which you are unable to provide copies.

None.

**18. Speeches:** Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

None.

**19. Congressional Testimony:** Have you ever testified before a Committee of the Congress? If so, please provide details, including date(s).

No.

**20. Selection:**

(a) Do you know why you were chosen for this nomination by the President?

I assume that I was chosen for this nomination based on my qualifications, character, experience and training.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have served as a judicial clerk for both federal trial and appellate judges. Further, I have ten years of litigation experience in complex administrative proceedings and have argued several cases on appeal before the District of Columbia Court of Appeals. Most recently I have spent three years as an administrative judge and have presided over numerous trial type hearings and have written scores of decisions.

## B. FUTURE EMPLOYMENT RELATIONSHIPS

**1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?**

Yes.

**2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.**

No.

**3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?**

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealing with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I have testified before the District of Columbia Council Public Services Committee on proposed legislation concerning environment impact statements for construction of electrical generating facilities.

I have testified before the District of Columbia Council Government Operations Committee on the proposed budget of the D.C. Board of Contract Appeals.

I have testified before the District of Columbia Council Public Services Committee in support of the nomination of the Chairman of the D.C. Public Service Commission.

I have testified before the District of Columbia Council Government of Operations Committee in support of my own nomination to the D.C. Contract Appeals Board.

I have submitted written comments to the District of Columbia Council Committee on the Judiciary on the "Office of Administrative Appeals Establishment Act of 1993."

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

I know of no potential conflicts of interest.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Yes. I was a defendant in the United States District Court for the District of Columbia in Civil Action No. 93-1737, *T. Edward Savage v. District of Columbia, et al.* As one of 11 named defendants, I was sued in my official capacity as an administrative judge. Plaintiff claimed that the D.C. Board of Contract

Appeals, in a negligent, careless and reckless manner, had violated his constitutional rights to equal protection of the laws, by dismissing his claim with prejudice, for lack of jurisdiction. U.S. District Court Judge Thomas P. Jackson dismissed the case *sua sponte* in September, 1993.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

No additional information.

#### E. FINANCIAL DATA

(Retained in Committee Files.)

#### F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes, 1981.

4. If the answer to No. 3 is "No"—

(a) Are you a professor of law in a law school in the District of Columbia?  
N/A.

(b) Are you an attorney employed in the District of Columbia by the United States of the District of Columbia?  
N/A.

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?  
N/A.

(d) Upon what grounds is that eligibility based?  
N/A.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

5812 Third Street, N.W., since 1984.

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

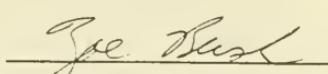
No.

9. Have you been a member of either Commission within the last 12 months?

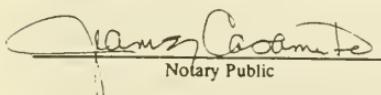
No.

#### AFFIDAVIT

Zoe Bush being duly sworn, hereby states that he/she has read and signed the foregoing Statement on biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



Subscribed and sworn before me this 25 day of Feb, 1994



Jeanne Casamento  
Notary Public

JEANNE CASAMENTO  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
N.B. Commission Expires May 14, 1997

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEE

## A. BIOGRAPHICAL INFORMATION

## 1. Name: (Include any former names used.)

My name is Rhonda Reid Winston. Before my marriage in 1983, I used the names Rhonda Lavonne Reid and Rhonda L. Reid. Several of my credit cards still bear the name Rhonda L. Reid.

## 2. Position to which nominated:

I have been nominated to be an associate judge in the District of Columbia Superior Court.

## 3. Date of nomination: April 11, 1994.

## 4. Address: (List current place and residence and office addresses.)

My home address is 4817 Queens Chapel Terrace, N.E., Washington, D.C. 20017.

My office address is c/o Public Defender Service for the District of Columbia, 451 Indiana Avenue, N.W., Washington, D.C. 20001.

## 5. Date and place of birth:

I was born on May 22, 1954 in Bennettsville, South Carolina.

## 6. Marital status: (Include maiden name of wife or husband's name.)

I am divorced.

## 7. Names and ages of children:

I have one daughter, Meghan Arielle Winston, who is eight years old.

## 8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

I attended Cheraw High School, in Cheraw, South Carolina from August, 1968 through May, 1972. I received my high school diploma in May, 1972.

I attended Duke University in Durham, North Carolina from August, 1972 through December, 1975. I received a B.A. in Political Science from Duke University in December, 1975.

I attended Duke University Law School from August, 1976 through May, 1979. I received my J.D. from Duke University School of Law in May, 1979.

## 9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

a) From January through July, 1976, I was employed as a bank teller at the Northgate Branch of North Carolina National Bank, Northgate Mall, W. Club Boulevard, Durham, North Carolina 27701.

b) From June through August, 1977, I was employed as a clerk/typist at the United Negro College Fund, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

c) From June through August, 1978, I was employed as a summer law clerk at the law firm of Ferguson, Wallas, Watt & Adkins, P.A., 951 S. Independence Boulevard, Charlotte, North Carolina 28204.

d) From October, 1979 through September, 1983, I was employed as a staff attorney at the Public Defender Service for the District of Columbia, 451 Indiana Avenue, N.W., Washington, D.C. 20001.

e) From October, 1983 through January, 1984, I was employed as an assistant district attorney in the Office of the District Attorney for New York County in New York City. I was assigned to the Office of the Special Narcotics Prosecutor, 80 Centre Street, New York, New York 10013.

f) From February, 1984, through June, 1986, I was employed as a staff attorney with the Public Defender Service for the District of Columbia, 451 Indiana Avenue, N.W., Washington, D.C. 20001.

g) From July, 1986, through July, 1987, I was a Visiting Assistant Professor of Law in the Criminal Justice Clinic at Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001.

h) From September, 1987, through October, 1988, I was a trial attorney with the Baltimore District Office of the U.S. Equal Employment Opportunity Commission, now located at 10 S. Howard Street in Baltimore, Maryland 21201.

i) From November, 1988, through mid-October, 1991, I was the Deputy Director of the District of Columbia Pretrial Services Agency, 400 F Street, N.W., Washington, D.C. 20001.

j) From October, 1991 until the present, I have been the Deputy Director of the Public Defender Service for the District of Columbia, 451 Indiana Avenue, N.W., Washington, D.C.

## 10. Military Service: List any military service, including dates, rank and type of discharge.

I have never served in the military.

11. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

The only such positions I have held are listed in Items No. 9(d), (e), (f), (h), (i), and (j) above.

12. Previous Appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and Committee hearing, if any.

I have not previously been nominated for a position requiring confirmation by the Senate.

13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

I am a member of the Board of Visitors of Duke University Law School.

14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

I am a member of the District of Columbia Bar, the Criminal Law and Individual Rights Section of the District of Columbia Bar, the American Bar Association, and the Criminal Justice Section of the American Bar Association.

15. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

I have never held office with a political party, and I have never been a candidate for public office.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I have been a registered Democrat during the last 10 years. In approximately 1986, my former husband and I held a fund-raiser for Kurt Schmoke, who was then a candidate for the Democratic nomination for Mayor of Baltimore.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 5 years.

In 1992, I contributed \$35.00 to the campaign of Kevin Chavous, who was then a candidate for the Council of the District of Columbia. Approximately 4 or 5 years ago, I contributed \$100.00 to the campaign of Stuart Simms, who was then a candidate for the office of State's Attorney in Baltimore, Maryland.

16. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

In 1972, I was awarded the Angier B. Duke Memorial Scholarship to attend Duke University. I was also awarded a National Achievement Scholarship that year. While in college, I was a member of Pi Sigma Alpha, the National Political Science Honor Society. I was graduated *cum laude* from Duke University in 1975. For each of my three law school years, I was the recipient of the Earl Warren Legal Training Scholarship, awarded by the NAACP Legal Defense and Education Fund (LDF). In the spring of 1979, I was awarded the Constance Baker Motley Award, an award which is presented annually by LDF to the outstanding female Earl Warren Legal Training Scholar.

17. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written. It would be helpful for the Committee to have three copies of each published writing. Please denote any of those for which you are unable to provide copies.

I have not had any books, articles, reports, other materials published.

18. Speeches. Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

Included with the packet containing this questionnaire are three copies of a speech which I delivered at Valparaiso University Law School in November, 1991.

19. Congressional Testimony: Have you ever testified before a Committee of the Congress? If so, please provide details, including date(s).

I have testified before a Committee of Congress on one occasion. On June 10, 1992, I testified very briefly before a House of Representatives Subcommittee

on the District of Columbia at Congressional budget hearings for the Public Defender Service of the District of Columbia.

20. Selection:

(a) Do you know why you were chosen for this nomination?

I do not know why I was chosen for this nomination. However, I believe that the President nominated me because my education, legal experience, and references indicated that I am well qualified for the position.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I believe that the facts that 1) I have extensive experience in the practice of criminal law, 2) that I have civil litigation experience, and 3) that I have extensive experience practicing in the District of Columbia Superior Court affirmatively qualify me for a position a judge in that court.

#### B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

I have no plans to pursue outside employment during my service with the government.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

I do not have any financial arrangements, deferred compensation agreements, or other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I do not have any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which I have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

For approximately 5½ of the last 10 years, I have either 1) represented defendants in criminal cases in the District of Columbia Superior Court or 2) have supervised other attorneys or student attorneys in their representation of defendants in criminal cases. There is a possibility that a conflict of interest could arise if I were called upon to preside in any matter which directly or indirectly involved 1) a defendant whom I had represented or 2) any criminal case (or related matter) whose handling I supervised.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I have testified before the Judiciary Committee of the Council of the District of Columbia twice in my capacity as Deputy Director of the Public Defender Service for the District of Columbia. In 1992, I testified concerning proposed legislation which would have made defendants in some misdemeanor offenses eligible to be treated under certain alternative sentencing provisions. I advocated including certain felony offenses in the category of offenses for which alternative sentencing was an option.

On November 10, 1992, I testified before the Judiciary Committee of the Council of the District of Columbia on two bills. I testified concerning a proposed amendment to the District of Columbia bail statute, Bill 9-668, and a proposed bill to create the offense of "Carjacking," Bill 9-666. I urged the Council not to create a separate offense of "Carjacking." With respect to Bill 9-668, I urged the Council not to amend the statute to delete a provision of the D.C. bail statute that prohibits the setting of financial conditions which "result in the pretrial detention of defendants in criminal cases." See 23 D.C. Code Section 1321(c)(3). I also urged the Council not to lower the standard for application of a rebuttable presumption of dangerousness from "substantial probability" (see 23 D.C. Code section 1322(c)) to "probable cause."

In 1992, I was panelist at a forum on the death penalty sponsored by an Advisory Neighborhood Commission in northeast Washington, D.C. The forum was held just before an election in which D.C. residents were about to vote on an initiative to reenact the death penalty in the District of Columbia. I urged members of the audience to vote against the initiative.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

If any case on my calendar presented a potential or actual conflict, including, but not limited to, the type described in Question 3 of this section, I would immediately recuse myself from all proceedings related to the case.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

In July 1982, I was junior trial counsel for the defendant in *United States v. Ricky Bryant*, Case No. F-591-80, in the District of Columbia Superior Court. Mr. Bryant was charged with First Degree Felony Murder, Armed Robbery, and Carrying a Pistol without a License. On July 9, 1982, after a trial before the Honorable Fred B. Ugast, he was convicted of the charges against him. After his convictions were affirmed on appeal, Mr. Bryant filed a motion pursuant to D.C. Code § 23-110 to have his convictions overturned based on ineffective assistance of counsel. He alleged that the senior defense counsel, the Honorable A. Franklin Burgess, who was then a staff attorney at the Public Defender Service, and I had failed to present at trial testimony from a witness who could have given exculpatory testimony for Mr. Bryant.

A hearing on Mr. Bryant's motion was held before the Honorable Fred B. Ugast. Testimony at the hearing showed that the defense had interviewed the witness, that the witness had changed his version of the events several times, and that Mr. Bryant had been consulted about the decision not to present the witness at trial. Mr. Bryant's motion was denied.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

In 1985, I was a defendant in *Joseph H. Brawner v. Mark S. Carlin, et. al.*, Case No. 85ca003196, which was filed in the District of Columbia Superior Court. This was an action in which the plaintiff, a former attorney at the Public Defender Service, sued six attorneys who still worked there, four former staff attorneys there, an associate judge of the D.C. Superior Court, and another individual. The complaint alleged assault and other tortious conduct against the plaintiff, for which he sought damages. The allegations were completely unfounded. The complaint was dismissed against several of the defendants, including me, approximately two months after it was filed and was dismissed against the remaining defendants thereafter.

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I was the plaintiff in *Rhonda Reid Winston v. Reed A. Winston, M.D.*, Case No. 89226031/CE202414, a divorce action which was filed in Baltimore City Circuit Court, Baltimore, Maryland. The proceedings in this matter were concluded on December 19, 1990, the date on which the divorce decree was signed.

I am currently a plaintiff in *Rhonda Reid Winston, et. al. v. Heirs, Executors, Administrators, Personal Representatives, and Assigns of Joseph C. Cox, et. al.*, Case No. 93-CP-13-NJ, now pending in the Court of Common Pleas in Chesterfield County, South Carolina. This is an action which several of my relatives and I have instituted to quiet title in real estate which we inherited from another relative.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense?

In April, 1989, I was charged with exceeding the speed limit by more than 15 miles per hour. Through my attorney, I entered a plea of *nolo contendere* and was fined \$150.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I believe that I am well qualified for the position for which I have been nominated. I am also committed to the fair administration of the laws of the District of Columbia.

#### E. FINANCIAL DATA

(Retained in Committee Files.)

#### F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. I was admitted to the District of Columbia Bar in 1979.

4. If the answer to No. 3 is "No"—

(a) Are you a professor of law in a law school in the District of Columbia?

(b) Are you an attorney employed in the District of Columbia by the United States of the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

(d) Upon what grounds is that eligibility based?

N/A.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

From April 29, 1989 through December 31, 1990, my address was 4409 N. Charles Street, Baltimore, Maryland 21218. Since January 1, 1991, I have lived at 4817 Queens Chapel Terrace, N.E., Washington, D.C. 20017.

7. Have you maintained an actual place of abode in such area for at least 5 years?

I have maintained actual places of abode as indicated above for at least 5 years.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

# AFFIDAVIT

Rhonda Reid Winston, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

Subscribed and sworn before me this 2nd day of May, 1994

Notary Public

Rhonda Reid Winton  
this 2nd day of May, 1994

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